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**IN THE UNITED STATES DISTRICT COURT
 IN AND FOR THE DISTRICT OF NEVADA**

FEI FEI FAN,
 Plaintiff,
 vs.
 State of Nevada Ex Rel. Board of Regents
 of the Nevada System of Higher
 Education, On Behalf of the University of
 Nevada, Reno
 Defendant.

Case No.: 3:24-cv-00427-MMD-CLB

**NOTICE OF RULE 56(d) PRESERVATION,
 PROCEDURAL OBJECTIONS TO
 DEFENDANT'S REPLY (ECF NO. 50),
 AND REQUEST FOR FINDINGS IF
 SUMMARY JUDGMENT IS GRANTED**

Plaintiff Fei Fei Fan, appearing pro se, respectfully submits this Notice to preserve her Rule 56(d) objections, procedural challenges, and constitutional framing in response to Defendant's Reply in Support of Summary Judgment (ECF No. 50), which was filed on April 24, 2025.

1. Plaintiff reiterates that critical evidence—including the investigative file, comparator data, and internal communications relating to the disciplinary process—remains within the control of Defendant. Plaintiff timely raised this in her Opposition (ECF No. 46 at Sections II, IV, and Appendix A), and requested relief under Rule 56(d).
2. Defendant's Reply (ECF No. 50) does not rebut the core issues raised in Plaintiff's Opposition (ECF No. 46), including the pending Rule 56(d) request and the structural exclusion claims. Instead, Defendant advances a narrative built on institutionally controlled and selectively disclosed records. To the extent the Court is inclined to adopt that narrative or grant summary judgment, Plaintiff respectfully objects under Rule 56(d), Rule 60(b)(6), and the Due Process Clause of the Fourteenth Amendment.
3. Plaintiff further objects to any finding that she failed to provide admissible evidence, as she was systematically and structurally excluded from material discovery and hearing participation, including a denied request for remote participation during the

hearing process. See *Metabolife Int'l v. Wornick*, 264 F.3d 832, 846–47 (9th Cir. 2001); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433–35 (1982); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 887 (2009).

4. Plaintiff further objects that Defendant relied on fabricated interview records as the foundation of the Title IX investigation. Although Plaintiff was eventually allowed to view the summary more than two years later, she was denied any meaningful opportunity to correct the fabrication. These disputed records were carried forward through the disciplinary process and are now presented as dispositive evidence. Plaintiff raises this as a structural defect in the investigative record, preserved under Rule 56(d), Rule 60(b)(6), and the Due Process Clause of the Fourteenth Amendment.
5. Plaintiff respectfully requests that if the Court grants Defendant's Motion for Summary Judgment (ECF No. 15), the Court specifically address:
 - (a) why the Rule 56(d) request is denied or deemed insufficient; and
 - (b) whether the procedural objections raised in ECF Nos. 46, 47, and 49 were considered.

This Notice is submitted to preserve all objections and rights under Rule 56(d), Rule 60(b)(6), Rule 11(b)(3), and 28 U.S.C. § 1291, and should not be construed as a reply brief. Plaintiff respectfully reserves appellate rights on any unresolved procedural objections or evidentiary defects not expressly addressed in the Court's ruling.

Respectfully submitted,

Dated: April 24, 2025

Fei Fei Fan.

Fei Fei Fan

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13 State of Nevada Ex Rel. Board of Regents
14 of the Nevada System of Higher
15 Education, On Behalf of the University of
16 Nevada, Reno
17 Defendant.

18 **CERTIFICATE OF SERVICE**

19 I, Fei Fei Fan, certify that on April 24, 2025, I served the following document(s):

- 20 • NOTICE OF RULE 56(d) PRESERVATION, PROCEDURAL OBJECTIONS TO
21 DEFENDANT'S REPLY (ECF NO. 50), AND REQUEST FOR FINDINGS IF
22 SUMMARY JUDGMENT IS GRANTED

23 on the following individuals by Electronic Filing (via CM/ECF system) indicated:

- 24 1. **Frank Z LaForge** (Defendant's Attorney).

25 I declare under penalty of perjury under the laws of the United States that the foregoing
26 is true and correct.

27 Respectfully submitted,

28 Dated: April 24, 2025

Fei Fei Fan.

Fei Fei Fan

Pro Se